

# FOGLAND BEACH OVERSIGHT COMMITTEE

## **Regular Meeting Minutes 08 February 2006**

Members present: T. Ramotowski (Chairman, Conservation Commission), D. Merriman (Neighborhood Representative), J. Cook (Chairman, Recreation Commission), S. Carr (Chairman, Harbor Management Commission) and D. Webster (Director of Public Works).

Chairman Ramotowski called the meeting to order at 5:07 PM at the Tiverton Community Center, 346 Judson Street.

### **I. Approval of Minutes**

Mr. Webster moved to approve the minutes of the regular meeting of 15 December 2005 with the following correction:

The date for the meeting listed at the top of the minutes should read "15 December 2005".

Seconded by Mr. Cook.

VOTE: Motion passed unanimously.

### **II. Public Delegations**

There were no public delegations.

### **III. Long-Term Management Plan for Fogland**

- Revised Statement of Work for RI-DEM Grant:

Chairman Ramotowski presented a draft of a revised statement of work for the \$12,500.00 grant the Committee was awarded by RI-DEM. Because the source of the grant is a wetland restoration fund, the work performed must be directed towards the wetlands located on the Town's Fogland property. The funds can be used for both fresh and saltwater wetlands. Chairman Ramotowski stated that he had spoken with Ms. Carolyn Murphy, the RI-DEM official who will be responsible for oversight of the Fogland grant, concerning the draft statement of work, and the draft reflects Ms. Murphy's comments and suggestions.

It was noted that there was a typo on page two, section 7 of the revised statement of work – "palnd" will be corrected to "plan".

Mr. Webster asked if the proposed statement of work should mention possible restoration work for the former “skating pond” that has become completely overgrown with phragmites. Chairman Ramotowski stated that the intent of including something about that pond was to allow a wetlands geologist/biologist evaluate the pond and provide the Oversight Committee with his/her expert opinion as to whether or not any restoration work should be attempted. It is true that the CRMC did not seem to favor mucking out that pond to remove the phragmites.

Mr. Carr questioned whether or not the statement of work should contemplate the removal/elimination of the cul-de-sac road. Mr. Merriman stated that the cul-de-sac road cuts through a salt marsh and should be eliminated because it disturbs that habitat. The northern portion of the road is often flooded at high tide – the road is part of the salt marsh. Mr. Carr asked if the flooding only occurred during exceptionally high tides. Mr. Merriman replied that it is flooded several times each month. Chairman Ramotowski stated that the road appears to cut off a portion of the salt marsh that lies to its west. During these high tides, sea water floods the road and passes into that area, but the elevation of the road prevents all of the flood water from draining out naturally as the tide recedes. Thus, the road does appear to affect the natural water flow of the salt marsh through which it passes. In addition, it is not a good idea to allow vehicles to drive on the road when it is flooded, because that will stir up sediment. The sediment suspended in the water can harm filter-feeding organisms.

Chairman Ramotowski stated that one of the major goals of the grant funding is to hire a wetlands biologist/geologist to provide an expert opinion on this very issue. The long term management plan for Fogland needs to be based upon expert, technical input. Mr. Webster stated that the CRMC did appear to express an interest in the removal of the cul-de-sac road a few months ago when a delegation of Town employees and officials met with CRMC staff in Wakefield. There is also a question of the need for the road for emergency access by fire, ambulance and police vehicles. Recently, both the fire and police chiefs met with the Town Administrator and indicated that the road was not necessary for emergency access – access to the north cove area could be obtained via the small parking lot about halfway down the north side of the paved roadway. Mr. Carr stated that the north cove was a nice, shallow beach that was good for children, and access to it must be maintained.

Mr. Merriman noted that the Little Compton Fire Department had run an exercise during which they launched a rescue boat from the “wind-surfer beach.” The exercise proved that the boat could be launched from there if necessary. It would be harder to launch a boat from the end of the cul-de-sac road, because the boat would have to be man-handled over the boulders that encircle the end of the cul-de-sac. The only time the cul-de-sac road had been used for a rescue was when a lone person in a kayak drowned in the north cove area. The availability of

access to the north cove via the cul-de-sac road made no difference in that tragedy.

It was suggested that the words “and cobbled barrier beaches” be added to the end of the last sentence of the first paragraph of the “background” section of the revised statement of work. It was further suggested that the section of part 2 of phase II of the draft statement of work that addressed the cul-de-sac road be changed from, “possible removal/relocation of the cul-de-sac access road to the north cove,” to “possible removal or relocation or abandonment of the cul-de-sac access road to the north cove.

Chairman Ramotowski stated that he would make the requested changes and forward the revised statement of work to RI-DEM.

- Submission of Grant Application Proposal to CRMC

Mr. Webster questioned the inclusion of a subtask within the proposal sent to the CRMC for the possible erection of new boulder and/or post lines. Chairman Ramotowski explained that there were some areas of Fogland that may require additional barriers for protection. The many of the boulders comprising the boulder line at the end of the wind-surfer beach, for example, had sunk into the sand and no longer prevented vehicles from driving into the salt marsh. In addition, there is a small beach dune field at the southwestern end of the paved roadway that is presently without any protection. During the last inspection tour of Fogland Beach, there were tire tracks on and around these dunes, an indication that vehicles were driving on them. A few wooden posts in the proper locations would prevent vehicles from driving over the dunes, but still would allow pedestrian access. Mr. Webster questioned whether proper holes could be bored into the ground at Fogland for the installation of post lines. When the DPW has to fix one of the posts supporting the picnic tables, a backhoe must be employed to make the excavation.

#### **IV. Recent Developments/Soil Conservation District**

Chairman Ramotowski reported that he and Mr. Merriman met with a representative of the USDA’s Natural Resources Conservation Service (NRCS) and discussed how the NRCS might be able to help with the Oversight Committee’s ongoing restoration efforts at Fogland. The NRCS representative, Ms. Kathleen Giorgi, was very enthusiastic about helping the Committee with its efforts. NRCS receives several millions of dollars each year to conserve/restore agricultural land (including orchards and tree farms) and also habitats for wildlife. After a tour of the Fogland conservation area, Ms. Giorgi suggested that the Oversight Committee apply for a small grant (ca. \$10,000.00) for the removal and eradication of oriental bittersweet – an invasive, non-native plant that is present in the area between the cul-de-sac road and the small parking lot on the north side of the paved roadway about halfway down the Fogland peninsula. The

money could be used to hire a special firm to come in and cut the bittersweet plants close to the ground. The stubs would then be treated with an herbicide to ensure the plants were killed. A firm that is licensed to apply the herbicide would need to be hired. The paperwork for the grant application with NRCS needs to be filed very soon and will need to be coordinated with the Town Administrator.

Mr. Merriman noted that during the Fogland walk-through with Ms. Giorgi, there were several areas where wave action had exposed the root systems of bittersweet plants. The root systems were quite extensive for even one plant. This is why an herbicide must be applied; if that step is not taken, the plant will just grow back a short time later.

#### **V. Eradication of Bittersweet Plant from Conservation Area**

Chairman Ramotowski noted that, as previously discussed, a grant application will be submitted to the NRCS for funding to hire a professional landscaping company to come in and kill the bittersweet plants presently growing in the conservation area. If the grant is awarded, the Oversight Committee will need to appear before the Town Council to obtain permission to apply for a CRMC assent/permission to perform the work.

Chairman Ramotowski noted that Mr. Plunkett had inspected the conservation area at Fogland and had confirmed that oriental bittersweet was present. The plant presently had distinctive berries, a fact that aids in their identification. It is more difficult to identify the plants when they no longer have the berries, and the other plants present in the area begin to leaf out and grow. Mr. Plunkett had offered to show members of the Oversight Committee and any other volunteers who want to help remove the plant how to identify it. In view of the cold weather, and the possible grant from NRCS to pay for professionals to remove the plant, it was decided to await better weather/further developments before undertaking any further action concerning the oriental bittersweet present at Fogland.

#### **VI. Use of Fogland Beach for Large Gatherings and Commercial Purposes**

Chairman Ramotowski stated that there were no significant, new developments regarding this issue. The Town Solicitor still needs to provide a draft of a revised policy on this issue to the Town Council for approval.

#### **VII. Status of Routine Maintenance Activities/Permission from CRMC**

There was nothing new to report concerning this topic.

#### **VIII. Consolidated Listing of Rules and Regulations for Fogland**

Mr. Cook stated that he had not been able to get over to the Town Hall to review the Town Code in order to begin preparation of the requested list.

Chairman Ramotowski asked if Ms. Burke could perhaps be assigned this task in order to allow some progress to be made. Mr. Cook stated that he would ask her; however, she had recently had surgery and was presently recuperating. Because of this, she is not on her normal work schedule.

## **IX. Beach Fee – Origin and Comparison with Other Towns**

Mr. Cook stated the Town Council was looking into all fees to make sure they covered Town expenses. Mr. Merriman stated that based upon what other towns charged for parking at their beaches, the fees charged to non-Tiverton residents should be doubled. Mr. Merriman also suggested that extra fees be charged for large vehicles (e.g., large vans and RVs) and for vehicles that towed trailers. Chairman Ramotowski pointed out that the Town had lost a court case concerning parking of vehicles with boat trailers belonging to people who launched boats at the nearby boat launch. Because of that court decision, the Town is required to allow people who use the boat launch to park for free at Fogland.

Mr. Merriman stated that he was more concerned about vehicles with trailers that park in the small parking lot on the north side of the paved road, and also at the wind-surfer beach. The trailers take up extra space and contribute to the parking problem during the summer. Mr. Carr stated that he had seen some trailers on the wind-surfer beach with boards and equipment being offered for rental – didn't that constitute a "commercial use of the beach"? Mr. Merriman stated that was the reason the Town Council had asked for a new policy to cover commercial usage of Town property.

## **X. Miscellaneous Committee Member Items**

Chairman Ramotowski noted that he had provided copies, in the February member meeting packets, of the Oversight Committee's 2006 meeting schedule, and an article about the Noguerira house on Three Rod Way. It appears that Mr. Noguerira had lost his court battle with the Town, and the house will have to be removed from the property or torn down. The lot upon which the house was built borders the western side of one of the Town-owned salt marshes.

Mr. Merriman asked if the installation of some kind of a barrier fence along the paved roadway would prevent the accumulation of wind-blown sand on the roadway. Mr. Webster stated that barrier fences needed to be somewhat offset from the roadway to catch the blowing sand. The sand seems to blow from south to north, so the fence line would have to be on the south side of the paved roadway where cars now park. It is unclear how successful such a fence would be, and it could interfere with/limit parking. There is also the issue of who would purchase, install and maintain it. Mr. Merriman noted that the boulder lines along the road have served as nuclei for the re-establishment of the dune complexes

on the north side of the road. Mr. Webster stated that he would be concerned that a wooden or plastic fence would not last in the windy Fogland environment.

Mr. Carr questioned whether the “private property” on the beach at the end of the paved roadway were in fact on Town property. Mr. Merriman stated that the lots in question belong to the house in which former Councilman Connors lived. The area used to be a rough-graded (dirt) boat ramp.

Mr. Merriman noted that the winter storms had washed up some cobbles and debris onto the public use boat ramp at the other end of the beach. Mr. Merriman asked who was responsible for cleaning up the debris. Mr. Webster asked which entity (Town or State) traditionally maintained the boat ramp. No one was sure of the answer to that question. Mr. Carr offered to check into the issue of ownership/responsibility for the boat ramp and report back to the Oversight Committee at its April meeting.

Mr. Merriman noted that a mooring buoy had come loose in the north cove mooring field. The shackle appears to have broken. The buoy is exposed at low tide. Mr. Carr stated that he would bring this issue to the attention of the Harbormaster.

Mr. Carr stated that the Harbor Management Commission had been discussing the possible installation of a “dingy dock” somewhere along the wind-surfer beach to allow people who moor boats in the north cove mooring field easier access to their boats. The dock would float on the water and would be removed during the winter. Mr. Merriman asked who would pay for the contraction and maintenance of the dock. Mr. Carr stated that the Harbor Management Commission had discussed applying for a grant from the State of Rhode Island. Mr. Ramotowski questioned whether building a dock in that location was a good idea – the area is heavily used in the summer by wind-surfers, and on weekends, there is a major parking/traffic problem. Mr. Merriman questioned whether such a structure could survive a whole summer season without being subject to vandalism. Mr. Carr stated that he would bring some preliminary information and sketches to the Oversight Committee’s April meeting to give members a better idea of what the Harbor Management Commission has in mind.

## **XI. Correspondence**

No other items of correspondence had been received, other than those already discussed during the meeting.

## **XII. Adjournment**

There being no further business to discuss, the 08 February 2006 meeting of the Fogland Oversight Committee adjourned at 6:15 PM.

These minutes were prepared by T. Ramotowski.